

APPENDIX B: PROJECT COORDINATION LETTERS



ALHAMBRA SCHOOL DISTRICT NO. 68

4510 North 37th Avenue • Phoenix, Arizona 85019
(602)336-2920 • Fax (602) 336-2270

March 24, 2000

Michael Shirley
Senior Environmental Planner
Logan Simpson Design Inc.
51 West Third Street, Suite 450
Tempe AZ 85281

Dear Mr. Shirley:

Thank you for your letter of March 3, 2000, regarding the proposed improvement to traffic operations at the intersections of Grand Avenue and 51st, 43rd, and 27th Avenues.

The Alhambra School District is currently in the process of purchasing a portion of the land that is north of Grand Avenue, west of 49th Avenue, and south of Bethany Home Road for a future site of an elementary school. That area lies in a flood plain. Plans for improvement of the intersection at Grand Avenue and 51st Avenue need to take into account the drainage problems in this area. The improvements need to be designed so that the drainage situation is not made any worse, and, if possible, is improved upon.

School buses currently transport students back and forth across all three Grand Avenue intersections indicated in your letter. Potential traffic delays, congestion, and detours will negatively impact school transportation operations. Disruptions to an orderly, expedient traffic flow need to be minimized as much as possible.

Please call me if you have any questions or concerns at telephone number (602) 336-2969.

Sincerely,

A handwritten signature in cursive script, appearing to read "Doug Virgil".

Doug Virgil
Assistant Superintendent for Business Services

Albert F. Brown, M.P.A., R.S.
Director



MARICOPA COUNTY
Environmental Services Dept.
1001 North Central, #595
Phoenix, AZ 85004
(602) 506-6623
(602) 506-6623 FAX
(602) 506-6623 TDD

March 20, 2000

Mr. Michael Shirley
Senior Environmental Planner
Logan Simpson Design Inc.
51 West Third Street, #450
Tempe AZ 85281

Dear Mr. Shirley:

This is in response to your letter of March 3, 2000 regarding an environmental assessment of the Grand Avenue intersections.

To ensure you have the earthmoving permits required by the Department, please contact Harold Monteith @ 602-506-6734.

The intersections of Grand and 27th and 43rd Avenues have historically been carbon monoxide "hot spots". Any construction activity taking place between October -February should be designed and scheduled to keep traffic moving through these interchanges. Also, construction should be suspended if necessary during a declared high carbon monoxide pollution advisory.

I wish you great success with this project

Sincerely,

A handwritten signature in black ink, appearing to read "A. Brown".

Al
Brown

Mike Shirley

From: bmacturk@oLptoenix.az.us
Sent: Monday, March 20, 2000 3:11 PM
To: Mike Shirley
Subject: Grand Avenue Scoping Request

Michael:

I have spoken with our branch representatives regarding your request. There was only one "Non Home Depot" concern raised. That being that during ADOT's design process to improve the various intersections along Grand Avenue, serious consideration be given to the ultimate design of the respective intersections. More specifically, that "function" should not take sole precedence over "form" (style, aesthetic appeal, uniqueness). Additionally, ramps, etc. should be

designed and constructed such that they don't create a visual barrier that has the effect of the "Great Wall"/ thus further geographically dividing or separating the community.

Regarding Home Depot, the City wants to insure we do everything within our power to retain them in Phoenix. Current plan calls for a relocation and expansion from the northeast corner to the southwest

corner of 43rd Avenue and Camelback Rd.

Please contact me if you require additional information.

Thanks, Bruce MacTu



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION

234 N. Central Ave., Suite 330

Phoenix, Arizona 85004

September 25, 2000

IN REPLY REFER TO

HA-AZ

NH-060-B(GEN)

060 MA 160 H5137 01R

060 MA 157 H5532 01R

060 MA 158 H5537 01C

060 MA 149 H5538 01C

Continuing Section 106 Consultation

Grand Avenue Intersections

Ms. Jo Anne Miller
State Historic Preservation Office
Arizona State Parks
Phoenix, Arizona 85007

Dear Ms. Miller:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make operational and safety improvements to eight intersections along Grand Avenue (US 60) in the cities of Phoenix, Glendale, and Peoria, Maricopa County, Arizona. FHWA previously contacted your office about this undertaking in a letter dated July 28, 2000. As indicated in that letter, because of the complexity and phased nature of the project, FHWA and ADOT believe that a Programmatic Agreement (PA) is warranted, pursuant to Section 800.14(b)(3) of the Council's regulations. A draft copy of a PA recently was sent to all parties for review and comment.

Preliminary project plans have been made available for the proposed work at four of the eight intersections: the construction of a Grand Ave., overpass over 27th Ave./Thomas Rd.; the construction of a Grand Ave., overpass over 43rd Ave./Camelback Rd.; a 51st Ave., overpass over Grand Ave./Bethany Home Rd.; and a connection road between 91st Ave., at Cactus Rd., to the SR 101 Loop. Logan Simpson Design, Inc., (LSD) has completed a historic property inventory of these four locations and has prepared a report describing the results their survey, "*A Cultural Resources Survey of Four Intersections Along Grand Avenue (27th Avenue and Thomas Road, 43rd Avenue and Camelback Road, 51st Avenue and Bethany Home Road, and 91st Avenue and SR 101 Loop), Maricopa County, Arizona*" (Grafil 2000), which is enclosed for your review. The APE for these four locations consists of an irregularly-shaped parcel encompassing each intersection, shown in the LSD report. Portions of the project area have been previously inventoried and the LSD report summarizes the results of the prior inventories and presents the results of their inventory of previously unsurveyed portions of the APE. Multiple historic resources were identified, which are summarized by intersection location in Table 7 of the survey report (also enclosed separately for ease of review)

and below. Many historic buildings along Grand Avenue were previously evaluated by Woodward (1993). As part of their survey, LSD revisited two categories of properties previously recorded by Woodward: those properties that Woodward recommended as eligible for the National Register of Historic Places (NRHP) and those that were not NRHP-eligible because at the time of Woodward's survey, they were not 50 years old. LSD did not revisit properties previously recommended to be ineligible for reasons other than age. The LSD report includes an appendix containing SHPO Historic Property Inventory Forms for all historic buildings/structures identified within the APE, except for ten buildings at the 43rd/Camelback intersection that were previously recommended by Woodward to be ineligible. In his 1993 report, Woodward had provided inventory forms for all the properties he identified. However, at the request of SHPO, inventory forms for these ten properties will be updated and provided in a forthcoming addendum to the LSD survey report.

Two historic alignments extend through all four of the intersection locations: Grand Avenue and the Burlington Northern Santa Fe Railroad. Both alignments have been recently modified to the extent that they are unable to convey any historic significance. They are recommended as not NRHP-eligible.

27th/Thomas: Two archaeological sites were identified at this intersection location. AZ T:12:10 (ASM), the Las Colinas Site, has been previously determined eligible for the National Register of Historic Places (NRHP), but archival research did not reveal a clear statement of the applicable criteria of significance. Based upon LSD's reevaluation of the site, FHWA recommends it to be eligible under criterion D for its potential to provide information about Classic period Hohokam settlement and social organization. AZT:12:63 (ASM) is a group of concrete slabs that were thought to be foundations and associated remains of historic structures. Further research indicates that the site is not historically significant and it is recommended as not NRHP-eligible. Eleven historic buildings were also identified at this intersection location, all of which are recommended as not NRHP-eligible. The Alhambra Court (2830 Grand Avenue) was previously identified by Woodward but was not 50 years old at the time he recorded it. According to the LSD survey report, this property has since been demolished. The Byron Jackson Company Buildings (2906 Grand Avenue) lack historical and architectural significance and are recommended as not NRHP-eligible. The property at 3040 N. 27th Ave., is an example of Spanish Colonial Revival architecture, but recent alterations to the building's setting, design and materials have compromised its integrity and ability to convey its significance; it is recommended as not NRHP-eligible. Eight historic, ranch-style residences were identified on W. Verde Lane (2601, 2607, 2611, 2617, 2621, 2627, 2631, and 2637 W. Verde Lane). The buildings form part of the Tisdale Terrace Unit I subdivision. The buildings, and the subdivision itself, lack historical and architectural significance and they are recommended as not NRHP-eligible, individually or as contributing elements to a district. In addition, LSD's background research identified the historic Maricopa Canal and three unnamed, prehistoric canal alignments in this project area; however, these features were not identified during the field survey.

43rd/Camelback: LSD identified one historic structure in the project area at this intersection, the Hircock/McClure Farm house (4813 N. 42nd Ave.). Recent alterations to this structure have negatively impacted critical aspects of its integrity. It is recommended as not NRHP-eligible since

it no longer conveys its historical significance. Woodward (1993) previously identified ten additional historic residences in this area that he recommended as not NRHP-eligible (on Grand Ave.: 4468, 4460, and 4360 [house and worker's cabin]; on N. 42nd Dr.: 4837, 4827, 4823, 4819; and on N. 41st Dr.: 4806 and 4802). Although Woodward's report includes Historic Property Inventory Forms for these ten buildings, LSD will provide updated forms for these properties as a future addendum to this report, at the request of SHPO. All ten buildings lack historical and architectural significance and are recommended as not eligible for the NRHP.

51st /Bethany Home: LSD identified eleven historic buildings and one structure within the project area at this intersection. Nine of the buildings are residences. The houses at 4970, 4974, 5006, and 5008 Cavalier Drive are part of the Genevieve Place subdivision. Most have been recently altered. All lack historical and architectural significance and are recommended as not NRHP-eligible, individually or as contributing elements to a district. Three ranch-style houses were identified at 6211, 6217, and 6223 N. 51st Ave. These buildings lack historical and architectural significance and are recommended as not NRHP-eligible. Small, bungalow-style farm houses were identified at 6235 N. 51st Ave., and at a location just to the north without an address. Both buildings and their settings have suffered from recent alterations that compromise the integrity of these structures; they are recommended as not NRHP-eligible. Two historic commercial buildings also were identified: the Lory Meat Company (no address) and the Bugas Propane Co., Building (5732-B 51st Ave.). Both lack historical and architectural significance and are recommended as not NRHP-eligible. One structure, a water tower, was identified in the vicinity of the 5700 block of N. 51st Ave. The tower is not of historic age (built in 1952), but is associated with a historic cotton processing complex, the Federal Compress and Warehouse. The tower is located in the area of a proposed drainage detention basin. A small temporary construction easement (TCE) will be needed to maintain access to other parts of this complex. LSD recommends that the water tower be considered potentially eligible as a contributing element to a potential historic district (the Federal Compress and Warehouse). However, because most of the complex is outside of the project area, LSD did not evaluate the potential district and there is not enough information in the report to provide an eligibility determination for the tower or the district. FHWA/ADOT are currently collecting additional information pertaining to the Federal Compress and Warehouse complex, which will allow a determination of eligibility to be made for the water tower and the associated Federal Compress and Warehouse complex; this information will be provided within the next few weeks as an addendum to this report.

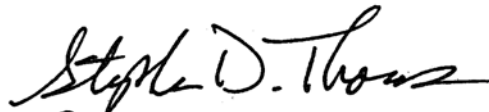
Woodward (1993) also previously identified the Alex L. Silva farm house (5035 W. Bethany Home Rd.) as historic, but provided conflicting eligibility recommendations (eligible and potentially eligible). This property is outside of, but adjacent to the 51st/Camelback project area. Because of its proximity to the project area, LSD revisited the Silva farm house and found that it had been demolished. However, LSD recommended that the Silva farm house property may be NRHP eligible as a historical archaeological site under criterion D, for its potential to provide information about turn of the century agriculture and settlement in the Glendale area.

91st Ave/Loop 101: Aside from the historic alignments considered above (Grand Ave., and the Burlington Northern Santa Fe Railroad), no historic properties were identified in this location.

Please review the enclosed survey report and the information in this letter. At this time, FHWA is consulting with you regarding survey adequacy and NRHP-eligibility of properties at three of the four project areas discussed in the LSD report: the 27th/Thomas, 43rd/Camelback, and 91st/Loop 101 project areas. Because information needed to evaluate eligibility is pending for a property in the 51st/Bethany Home project area (the Federal Compress and Warehouse), FHWA will reconsult separately regarding the eligibility of properties in that area once the information is available.

If you find the survey report adequate and concur with the recommendations of eligibility for properties at the 27th/Thomas, 43rd/Camelback, and 91st/Loop 101 project areas, please sign below to indicate your concurrence. If you have any questions or comments about this information, please call Michael Ohnersorgen (Historic Preservation Specialist, ADOT) at (602) 712-8148. Thank you for your continued cooperation with this agency.

Sincerely,


For: Robert E. Hollis
Division Administrator

Enclosures


Signature for SHPO Concurrence

Nov. 7, 2000 11/7/00
Date



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
234 N. Central Ave., Suite 330
Phoenix, Arizona 85004
September 25, 2000

IN REPLY REFER TO

HA-AZ

NH-060-B(GEN)

060 MA 160 H5137 01R

060 MA 157 H5532 01R

060 MA 158 H5537 01C

060 MA 149 H5538 01C

Continuing Section 106 Consultation
Grand Avenue Intersections

Ms. Nancy Hayden
Director of Research
Yavapai-Prescott Indian Tribe
530 E. Merritt
Prescott, Arizona 86301-2038

Dear Ms. Hayden:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make operational and safety improvements to eight intersections along Grand Avenue (US 60) in the cities of Phoenix, Glendale, and Peoria, Maricopa County, Arizona. FHWA previously contacted your office about this undertaking in a letter dated July 28, 2000. As indicated in that letter, because of the complexity and phased nature of the project, FHWA and ADOT believe that a Programmatic Agreement (PA) is warranted, pursuant to Section 800.14(b)(3) of the Council's regulations. A draft copy of a PA recently was sent to all parties for review and comment.

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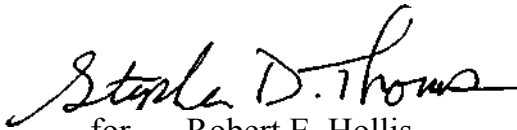
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If you find the survey report adequate and concur with the recommendations of eligibility for properties at the 27th/Thomas. 43rd/Camelback. and 91st/Loop 101 project areas, please sign below to indicate your concurrence. If you have any questions or comments about this information, please call Michael Ohnersorgen (Historic Preservation Specialist. ADOT) at (602) 712-8148. Thank you for your continued cooperation with this agency.

Sincerely.


for Robert E. Hollis
Division Administrator

Enclosures

Robert C. Enley, Ph.D.
Signature for Yavapai-Prescott Indian Tribe Concurrence
Tribal Anthropologist

10-13-00
Date

US 93 Wikieup to 1-40

THE COLORADO RIVER INDIAN TRIBES

By _____

Date _____

Title _____

THE HOPI TRIBE

By _____

Date _____

Title _____

THE HUALAPAI TRIBE

By _____

Date _____

Title _____

THE FT. MOJAVE INDIAN TRIBE

By _____

Date _____

Title _____

THE YAVAPAI-PRESCOTT INDIAN TRIBE

By: Robert C. Eide, Ph.D.

Date: 10-22-00

Title: Tribal Anthropologist

THE YAVAPAI-APACHE NATION

By _____

Date _____

Title _____

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW. #809
Washington, DC 20004

Mr. Robert E. Hollis
Division Administrator
Federal Highway Administration
234 N. Central Avenue, Suite 330
Phoenix, AZ 85004

REF: Proposed Grand Avenue Intersections Improvements
Project Maricopa County, Arizona

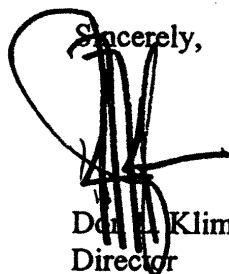
Dear Mr. Hollis:

On September 28, 2000, the Council received your notification and supporting documentation regarding the adverse effects of the referenced project on properties listed on and eligible for listing on the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800) does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, should circumstances change and you determine that our participation is required, please notify us.

Pursuant to 36 CFR 800.6(b)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Arizona State Historic Preservation Officer (SHPO), and related documentation at the conclusion of the consultation process. The filing of this MOA with the Council is required in order for the Federal Highway Administration to complete its compliance responsibilities under Section 106 of the National Historic Preservation Act. We would appreciate receiving the project documentation with any signed MOA.

Thank you for providing us with your notification of adverse effect. If you have any questions or require the further assistance of the Council, please contact MaryAnn Naber at 202-606-8505 or via eMail at mnaber@achp.gov.

Sincerely,



Don A. Klima
Director
Office of Planning and Review



Wayne Taylor, Jr.
CHAIRMAN

Phillip R. Quochytewa, Sr.
VICE CHAIRMAN

March 15, 2001

Robert E. Hollis, Division Administrator
U. S Department of Transportation,
Federal Highway Administration
234 N. Central Ave., Suite 330
Phoenix, Arizona 85004

Re: Grand Avenue Intersections, Cultural Resources Survey Addendum to Four Intersections

Dear Mr. Hollis,

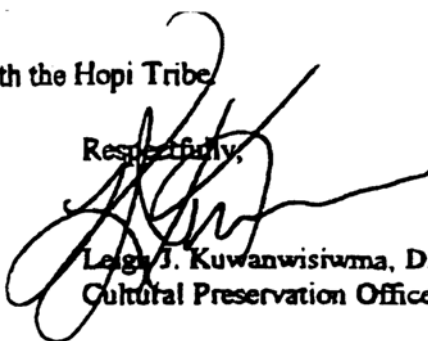
This letter is in response to your correspondence dated March 5, 2001, in which the Arizona Department of Transportation (ADOT) and the Federal Highway Administration (FHWA), in accordance with a Programmatic Agreement signed by the Hopi Tribe, submitted for our review and comment the enclosed cultural resources survey addendum by Logan Simpson Design, Inc. As you know, the Hopi Tribe appreciates your solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office has reviewed the enclosed documents. We note that all the structures involved in this cultural resources survey addendum are all historic buildings, buildings culturally affiliated to the Spanish, Mexican and American cultural groups. Our October 18, 2000, review of the cultural resources survey for four of the eight intersections involved in this project states, "We defer further consultation regarding the eligibility of historic properties eligibility in the 51st/Bethany Home project area to the State Historic Preservation Office."

We now further defer consultation regarding the eligibility of all historic buildings, that is buildings culturally affiliated to the Spanish, Mexican, and American cultural groups, in the all the areas of potential" effect for this proposal, and all ADOT and FHWA proposals, to the State Historic Preservation Office. The Hopi Cultural Preservation Office finds ADOT and FHWA's consultation on prehistoric archaeological sites and Traditional Cultural Places to be adequate.

Thank you again for consulting with the Hopi Tribe

Respectfully,



Leigh J. Kuwanwisiwma, Director
Cultural Preservation Office



March 8, 2001

Robert E. Hollis, Division Administrator
U.S. Department of Transportation
Federal Highway Administration
234 North Central Ave., Suite 300
Phoenix, AZ 85004

Jane Dee Hull
Governor

State Parks
Board Members

Chair
Vernon Roudebush
Safford

Walter D. Armer, Jr.
Benson

Suzanne Pfister
Phoenix

Joseph H. Holmwood
Mesa

John U. Hays
Yarnell

Sheri J. Graham
Sedona

Michael E. Anable
State Land
Commissioner

Kenneth E. Travous
Executive Director

Arizona State Parks
1300 W. Washington
Phoenix, AZ 85007

& TTY: 602.542.4174
www.pr.state.az.us

800.285.3703
from (520) area code

General Fax:
602.542.4180

Re: Memorandum of Agreement, Grand Avenue Intersections Project
NH-060-B(GEN)); TRACS # 060 MA 160 H5137 (01C); FHWA
SHPO-2000-1978 (4956, 5027, 5144)

Dear Mr. Hollis:

Enclosed is the original signed Memorandum of Agreement regarding mitigation for the above referenced project. James Garrison, State Historic Preservation Officer, signed the document on March 1, 2001. The document should be filed with the Advisory Council according to 36 CFR § 800.6(b)(iv). We would appreciate receiving a copy of the completed signature pages for our files. Also enclosed are concurrences with the adequacy of the proposed archaeological monitoring plan and proposed testing plan for the project.

We appreciate your continued cooperation with our office in complying with the requirements of historic preservation, and look forward to continuing consultation on the project.

Sincerely,

Jo Anne Miller
Compliance Specialist/Archaeologist
State Historic Preservation Office

Enclosures (3)

Cc: Michael Ohnersorgen, ADOT (with copy of signed MOA)

PROGRAMMATIC AGREEMENT

AMONG

**FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DEPARTMENT OF TRANSPORTATION
ARIZONA STATE HISTORIC PRESERVATION OFFICE
CITY OF PHOENIX
CITY OF GLENDALE
CITY OF PEORIA
HOPI TRIBE
SALT RIVER PEVIA-MARICOPA INDIAN COMMUNITY
FORT MCDOWELL MOHAVE-APACHE INDIAN COMMUNITY
YAVAPAI-PRESCOTT INDIAN TRIBE
AND YAVAPAI-APACHE INDIAN
NATION**

REGARDING THE HISTORIC PROPERTIES ALONG

**GRAND AVENUE (U.S. 60) AT EIGHT INTERSECTION
LOCATIONS (27TH/THOMAS,
43RD/CAMELBACK, 51ST/BETHANY HOME, 91ST/101 LOOP, 55TH/GRAND,
59TH/GLENDALE, 67TH/GRAND, AND 75TH/GRAND)**

MARICOPA COUNTY, ARIZONA

WHEREAS, the Federal Highway Administration (FHWA) has determined that improvements to eight intersections along Grand Avenue (27th/Thomas, 43rd/Camelback, 51st/Bethany Home, 91st/101 Loop, 55th/Grand, 59th/Glendale, 67th/Grand, and 75th/Grand), Maricopa County, Arizona, hereafter referred to as the Project, may have an adverse effect upon historic properties that are eligible for inclusion on the National Register of Historic Places (NHRP); and

WHEREAS, the area of potential effect (APE) for this project would consist of eight irregularly-shaped parcels, each encompassing one of the Project intersections illustrated on Figure 1 of this report; and

WHEREAS, FHWA, as the lead agency responsible for compliance under Section 106 of the National Historic Preservation Act (16 U.S.C. §470f) for the Project, by its involvement for providing Federal-aid funding, as authorized by 23 CFR 771, and the Arizona Department of Transportation (ADOT), as agent for FHWA, have consulted with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act; and

WHEREAS, by their signature all parties agree that the existing ADOT standard specification will address the presence of cultural materials in potential material sources; and

WHEREAS, project construction will occur on private land to be purchased for the Project that is incorporated by the Cities of Phoenix, Glendale and Peoria, who have been invited to or have participated in consultation and been invited to concur in this agreement; and

WHEREAS, the Native American Tribes that may attach religious or cultural importance to affected properties have been invited to or have participated in consultation and have been invited to concur in this agreement;

NOW, THEREFORE, all parties agree that the Project shall be administered in accordance with the following stipulations in order to satisfy Section 106 of the National Historic Preservation Act and applicable state laws.

STIPULATIONS

FHWA shall ensure that the following measures will be carried out:

I. INVENTORY, EVALUATION, AND EFFECT DETERMINATION

- A. Inventory. FHWA, represented by ADOT, will complete a historic properties inventory of the eight intersection locations defined as the APE that is conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines (48 FR 44716-44742) for Identification of Historic Properties. FHWA, represented by ADOT, will further ensure that any areas not previously surveyed and any staging or use areas related to this undertaking shall be inventoried in a manner consistent with the Project inventory. Report(s) of the results of any and all inventories shall be submitted to all parties for a concurrent 30-calendar-day review and comment.
 1. FHWA, represented by ADOT, will ensure that SHPO Historic Property Inventory Forms are completed for each historic building or structure within the APE. Completed inventory forms will be included in an appendix in the inventory report(s).
 2. FHWA represented by ADOT, has consulted with and will continue to consult with the Hopi Tribe, the Salt River Pima-Maricopa Indian Community, the Fort McDowell Mohave-Apache Indian Community, the Yavapai-Presecott Indian Nation, and the Yavapai-Apache Indian Nation to help identify potential properties of religious and cultural significance within the APE and within any additions to the APE by staging or use areas.

- B. Evaluation. FHWA, represented by ADOT, in consultation with SHPO, the Cities of Phoenix, Glendale and Peoria, and Native American Tribes shall ensure that determinations of eligibility are made in accordance with 36 CFR 800.4(c) for all historic properties within the Project right-of-way, including any additional staging or use areas. Should any party to this agreement disagree with FHWA or ADOT regarding eligibility, the SHPO shall be consulted and resolution sought within 20 calendar days. If the FHWA and SHPO disagree on eligibility, determinations will be forwarded to the Keeper of the National Register for resolution.
1. FHWA, represented by ADOT, will ensure that archaeological site areas needing testing, according to §800.4(b)2, will be investigated in a manner to evaluate them for eligibility for the National Register of Historic Places. An Archaeological Testing Plan will be developed for such areas for submittal to SHPO, the Cities of Phoenix, Glendale and Peoria, and Native American Tribes for review and comment prior to implementation of the testing plan. The review and comment of the Archaeological Testing Plan will be consistent with the time frames specified in Stipulation Ei (A) and (B) below. The results of the testing will be detailed in an Archaeological Testing Report that will be reviewed and evaluated as per Stipulation Hi (A) and (B) below.
- C. Effect Determination. FHWA, represented by ADOT, in consultation with SHPO shall apply the criteria of Adverse Effect in 36 CFR 800.5 to all historic properties within the Project APE, including any area proposed for geotechnical testing or additional new staging or use areas.
- D. FHWA, represented by ADOT, has sought public comment on the effects of the undertaking on historic properties in coordination with its procedures for implementing the National Environmental Policy Act (NEPA). FHWA shall notify and consult with interested parties, as appropriate, regarding findings of eligibility, effect, and mitigation options.
- E. If FHWA and the SHPO agree (per Stipulations IV A & B) that a portion of the undertaking shall have no effect on listed or eligible properties, FHWA may provide authorization to proceed-with construction in that area, subject to obtaining any necessary permits and the conditions of any Monitoring Plan or Discovery Plan developed for the Project, provided that construction does not preclude options for avoidance of historic properties in other segments.

II. EFFECTS ON HISTORIC PROPERTIES

To the extent feasible, FHWA will avoid adverse effects to historic properties that are identified in the APE through project redesign or implementation of protective measures. Where avoidance is not feasible, FHWA, in cooperation with ADOT, and in consultation with SHPO and other consulting parties, shall ensure that the following measures are carried out:

- A. Historic Buildings or Structures. A **Treatment Plan for Historic Building and Structures (TPHBS)** will be developed for the mitigation of effects on historic buildings and structures that will result from the Project and any related uses and activities. FHWA, in cooperation with consulting parties, will ensure that all options are considered for rehabilitation or alternative uses of historic buildings and structures within the project area. Where such options are not feasible, properties may be demolished. Further, FHWA, in cooperation with consulting parties, will ensure the development of location and property specific plans for each individual phase or segment of the Project that will be considered as Supplements to the TPHBS.
1. The TPHBS shall be consistent with Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings or the SHPO's Documentation Standards for Historic Properties, as appropriate, and shall minimally specify the following:
 - a. The TPHBS will identify the historic buildings and structures to be affected by the Project as a whole and the nature of those effects.
 - b. The TPHBS will contain an appropriate explanation of the relevance and importance of each property that reflects the concept of historic contexts as defined in National Register Bulletin 16 and shall take into consideration any such historic contexts established for the Project area.
 - c. Where rehabilitation or alternative uses are feasible for a specific property, the FHWA, in cooperation with consulting parties, will ensure that the approaches recommended in the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings are taken into account during plans for rehabilitation or use of the property.
 - d. If rehabilitation or alternative use are not feasible options for a specific property, and demolition must occur, the property will be documented in accord with the SHPO's Documentation Standards for Historic Properties. Such documentation will include an appropriate narrative, relevant maps, reproductions- of original plans or architectural drawings, and appropriate black and white photographs and color slides, as indicated in the SHPO Standards.
 - e. All documentation relevant to TPHBS will be submitted to all consulting parties for review and comment and will be compiled into a final project report.

B. Archaeological Sites. A **Treatment Plan for Archaeological Sites (TPAS)** will be developed for the mitigation of anticipated effects on archaeological sites that will result from the Project and any related uses and activities. Further, FHWA, in cooperation with consulting parties, will ensure the development of location and property specific Data Recovery Plans for each individual phase or segment of the Project that will be considered as Supplements to the TPAS.

1. The TPAS shall be consistent with the Secretary of Interior's Standards and Guidelines (48 FR 44716-14742) and the Council's handbook Treatment of Archaeological Properties and shall minimally specify the following:
 - a. The TPAS will identify the archaeological sites to be affected by the Project as a whole and the nature of those effects. Identification and description of the traditional and/or religious significance of traditional cultural properties identified with Native American Tribes may be done only with the permission of the appropriate tribe(s). Addressing and defining traditional cultural properties shall be consistent with the guidance provided in National Register Bulletin 3 8.
 - b. The Research design will contain research questions and goals that are applicable to the Project area as a whole that will be addressed through data recovery, along with an explanation of their relevance and importance. These research questions and goals shall reflect the concept of historic contexts as defined in National Register Bulletin 16 and shall take into consideration any such historic contexts established for the Project area.
 - c. Field and analysis methods and strategies applicable to the Project area that will be developed along with an explanation of their relevance to the research questions.
 - d. Proposed procedures for dealing with discovery situations will be specified.
 - e. Methods to be used in data management and dissemination of data will be specified.
 - f. Methods and procedures for the discovery of human remains will be specified. In the event human remains are encountered on private land, FHWA and ADOT will coordinate with the Arizona State Museum (ASM) under the provisions of the ARS 41-844, and ARS 41-865, and a burial agreement will be developed. Appropriate procedures for the recovery, analysis, treatment, and disposition of human remains, associated grave goods, and objects of cultural patrimony would be developed in accordance with the provisions of applicable state laws and all promulgated regulations and would reflect any concerns and/or conditions identified as a result of consultations between FHWA, ADOT, ASM, and any affected Native American tribes.

- g. A Monitoring Plan will be included to ensure that historic properties are not affected by construction-related activities. This Monitoring Plan shall specify the location of all identified properties and the means by which they will be marked and avoided if construction or other ground disturbing activities are allowed in nearby portions of the right-of-way.
 - h. A Discovery Plan will be included to ensure adequate treatment of unanticipated discoveries taking into account the provisions in 36 CFR § 800.13 and ARS 41-844. Plans shall address methods for consultation to determine an appropriate course of treatment for discovered properties. Plans shall also identify methods that will be used for recording and reporting monitoring activities and discoveries.
 - i. A discussion of the public benefit of mitigation and a plan for heritage education programs will be included to the extent possible.
- 2. Each phase or segment-specific Data Recovery Plan shall represent a dependent plan supplemental to the TPAS providing specific direction for the conduct of Data Recovery within any given Project segment. It shall conform to the general requirements of the TPAS. At a minimum, it shall specify:
 - a. The historic properties to be affected in the specified Project segment and the nature of those effects.
 - b. The research questions identified in the TPAS that will be appropriate for the specified Project segment and that will be addressed through data recovery, along with any additional research questions compatible with the TPASs and an explanation of their relevance to the overall research goals as established in the Plan.
 - c. The specific fieldwork and analytical strategies identified in the TPAS, as well as any other strategies that will be employed in the specified Project segment.
 - d. A proposed schedule for submission of progress, preliminary, and other reports to SHPO and other consulting parties.

III. COMMENT ON THE TREATMENT PLANS AND DATA RECOVERY PLAN(S)

- A. Upon receipt of a draft of either Treatment Plan, FHWA, represented by ADOT, will submit the draft concurrently to all parties to the Agreement for review, after review by ADOT. All parties will have 30 calendar days from receipt to review and provide comments to ADOT. Lack of comment within this review period may be taken as concurrence with the plan.
- B. If revisions to either Plan is needed, all parties to this Agreement have 20 calendar days from receipt to review and comment on the revisions. If no comments are received within this period, the FHWA may assume that the reviewer concurs with the revisions.

- C. Once the Treatment Plan for Archaeological Sites is determined adequate by all parties to the Agreement, FHWA shall issue authorization to proceed with the development of the Data Recovery Plan(s) which shall be reviewed in a manner consistent with Stipulations m (A) and (B) above.
- D. Once the Data Recovery Plan(s) is determined adequate by all parties to the Agreement (SHPO approval), FHWA shall issue authorization to proceed with the implementation of the Plan, subject to obtaining all necessary permits.
- E. Final drafts of the Treatment Plans and all subsequent and supplemental Data Recovery Plan(s) will be provided to the parties to the Agreement.
- F. Any party to the Agreement may choose not to review each plan.

IV. CONSTRUCTION

- A. FHWA, represented by ADOT, in consultation with the SHPO may issue authorization to proceed with construction or geotechnical testing in those portions of the Project area that lack cultural resources or that contain historic properties once the agreed-upon fieldwork/treatment specified in the Treatment Plans and Data Recovery Plan(s) has been completed. Authorization is subject to SHPO acceptance of the adequacy of the work performed under those Plans and to obtaining all necessary permits, and provided work does not preclude treatment options in other sections. For archaeological properties, acceptance will be based on field inspection and review of a preliminary report documenting the accomplishment of the Treatment Plan for Archaeological Sites and Data Recovery Plan(s) by FHWA, consulting agencies and SHPO. Any party to the Agreement may choose not to review each report.
- B. All parties will have 30 days from receipt of the preliminary archaeological report for review and comment. If no comments are received within this period, FHWA may assume that the reviewer accepts the adequacy of the work and agrees with an authorization to proceed.
- C. FHWA shall ensure that if an archaeological property is discovered after construction begins, the approved Discovery Plan, as specified in Stipulation n of this agreement, shall be implemented.

V. CHANGES IN CONSTRUCTION CORRIDORS AND ANCILLARY AREAS

Any changes or additions in construction corridors, staging, or use areas will be handled in a manner consistent with Stipulations I-IV.

VI. CURATION

FHWA, represented by ADOT, shall ensure that all records and materials resulting from identification and data recovery efforts are curated in accordance with standards and guidelines generated by the Arizona State Museum for private land and 36 CFR Part 79. Consultation with affected Native American tribes will be done according to ARS 41-844 and ARS 41-865, as applicable. All ARS 41-844 and 41-865 remains and cultural items will be treated with dignity and respect, and consideration for the specific cultural religious traditions applicable until their analysis is complete and their disposition has occurred.

VII. DISPUTE RESOLUTION

Should any party to this Agreement object within 30 calendar days to any action(S) or plans provided for review pursuant to this Agreement, FHWA shall consult with the objecting party to resolve the objection. The objection must be specifically identified, and the reasons for objection documented. If FHWA determines that the objection cannot be resolved, FHWA shall forward all documentation relevant to the dispute to the Council and notify SHPO as to the nature of the dispute. Within 30 calendar days of receipt of all pertinent documentation, the Council shall provide FHWA with recommendations which FHWA shall take into consideration in reaching a final decision regarding the dispute. Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute; FHWA responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

VIII. PUBLIC OBJECTION

At any time during the implementation of the measures stipulated in this Agreement, should an objection be raised by a member of the public, FHWA shall take the objection into account, notify SHPO of the objection, and consult as needed with the objecting party.

IX. AMENDMENT

FHWA, SHPO, or the Council may request that this Agreement be amended, whereupon the parties will consult to consider such amendment in accordance with 36 CFR 800.14.

X. TERMINATION

This agreement shall be null and void if its terms are not carried out within twenty (20) years from the date of its execution, unless FHWA, SHPO, and the Council agree in writing to an extension for carrying out its terms. FHWA, SHPO, or the Council may terminate this agreement by providing written notice within 30 calendar days to the other parties, provided that the parties will consult during that period to seek agreement on amendments or other actions that would avoid termination. In the event of termination or expiration, FHWA shall either execute a new agreement under 800.6(c)(1) or request the comments of the Council under 800.7(a).

XI. FAILURE TO CARRY OUT THE TERMS OF THE AGREEMENT

In the event that the terms of this Agreement are not accomplished, FHWA shall comply with 36 CFR 800.3 through 800.5 with regard to individual actions covered by this Agreement.

Execution and implementation of this Agreement is evidence that FHWA has afforded the Council an opportunity to comment on the Grand Avenue Project and its effect upon historic properties. In so doing, FHWA has satisfied the Section 106 responsibilities for all individual actions of this undertaking. Participation in this agreement also satisfies the State Historic Preservation Act responsibilities of the ADOT for this undertaking pursuant to ARS § 41-864.

CONSULTING PARTIES

FEDERAL HIGHWAY ADMINISTRATION•

By David S. Nelson

Date 1-17-01

Title ASSIST DIVISION ADMIN.

ARIZONA STATE HISTORIC PRESERVATION OFFICER

By James W. Gorman

Date 3/1/01

Title AZSHPO

CONCURRING PARTIES

ARIZONA DEPARTMENT OF TRANSPORTATION

By  Date 1-17-01
Title Environmental Group Manager

CITY OF PHOENIX

By _____ Date _____
Title _____

CITY OF GLENDALE

By _____ Date _____
Title _____

CITY OF PEORIA

By _____ Date _____
Title _____

THE HOPI TRIBE

By: _____ Date: _____
Title: _____

THE SALT RIVER PBMA-MARICOPA INDIAN COMMUNITY

By: _____ Date: _____
Title: _____

CONCURRING PARTIES

ARIZONA DEPARTMENT OF TRANSPORTATION


By  Date 1-17-01
Title Environmental Group Manager
CITY OF PHOENIX

By _____ Date _____
Title _____

CITY OF GLENDALE

By _____ Date _____
Title _____

CITY OF PEORIA

By  P.E. Date 2/2/01
Title PWD
Title _____

THE HOPI TRIBE

By: _____; _____ Date: _____
Title: _____

THE SALT RIVER PBMA-MARICOPA INDIAN COMMUNITY

By: _____ Date: _____
Title: _____

CONCURRING PARTIES

ARIZONA DEPARTMENT OF TRANSPORTATION

By  Date _____
By  Date 1-17-01
Title Environmental Group Manager
CITY OF PHOENIX

By _____ Date _____
Title _____

CITY OF GLENDALE

By _____ Date _____
Title _____

CITY OF PEORIA

By _____ Date _____
Title _____

THE HOPI TRIBE

By  Date 2/06/01
Title Chairman

THE SALT RIVER PBMA-MARICOPA INDIAN COMMUNITY

By: _____ Date: _____
Title: _____

**THE FORT MCDOWELL MOHAVE-APACHE INDIAN
COMMUNITY**

By: _____

Date: _____

Title: _____

THE YAVAPAI-PRESCOTT INDIAN TRIBE

By: _____

Date: _____

Title: _____

THE YAVAPAI-APACHE INDIAN NATION

By: _____

Date: _____

Title: _____

Exhibit 2 Recommended Roadway Concepts

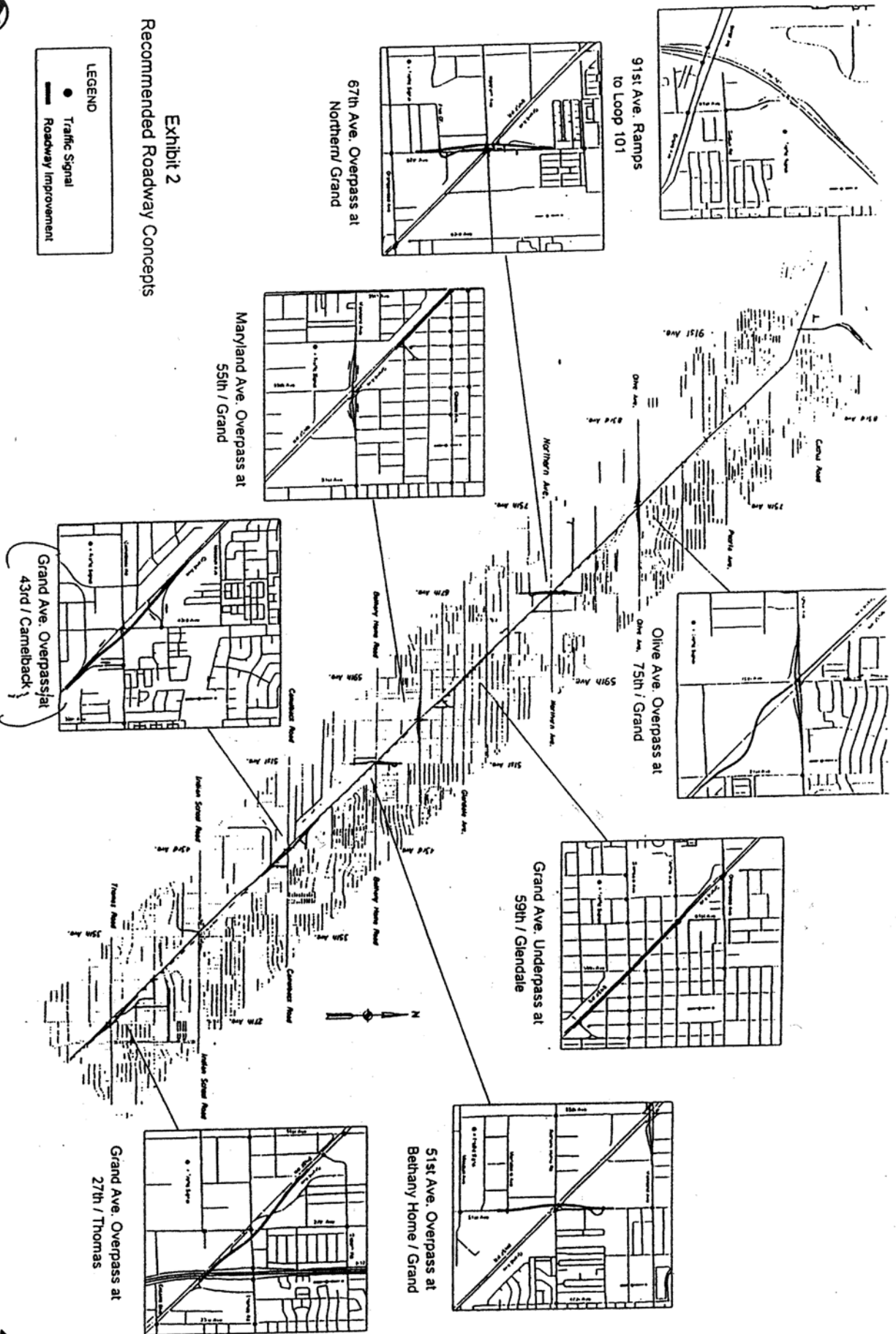
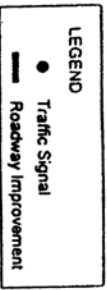


FIGURE 1

Revised 07/13/88
Revised 07/06/93
Revised 09/20/94
Revised 06/16/99
Revised 02/16/00

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 310
FUGITIVE DUST SOURCES**

SECTION 100 - GENERAL

- 101 PURPOSE:** To limit particulate matter emissions into the ambient air from any property, operation or activity that may serve as a fugitive dust source. The effect of this rule shall be to minimize the amount of PM₁₀ entrained into the ambient air as a result of the impact of human activities by requiring measures to prevent, reduce, or mitigate particulate matter emissions.
- 102 APPLICABILITY:** The provisions of this rule shall apply to all dust generating operations except: normal farm cultural practices under Arizona Revised Statutes (ARS) §49-457 and ARS §49-504.4 and open areas, vacant lots, unpaved parking lots, and unpaved roadways which are not located at sources that require any permit under these rules.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply. See Rule 100 (General Provisions And Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule.

- 201 BULK MATERIAL** - Any material, including but not limited to, earth, rock, silt, sediment, sand, gravel, soil, fill, aggregate less than 2 inches in length or diameter (i.e., aggregate base course (ABC)), dirt, mud, demolition debris, cotton, trash, cinders, pumice, saw dust, feeds, grains, fertilizers, and dry concrete, which are capable of producing fugitive dust at an industrial, institutional, commercial, governmental, construction, and/or demolition site.
- 202 BULK MATERIAL HANDLING, STORAGE, AND/OR TRANSPORTING OPERATION** - The use of equipment, haul trucks, and/or motor vehicles, such as but not limited to, the loading, unloading, conveying, transporting, piling, stacking, screening, grading, or moving of bulk materials, which are capable of producing fugitive dust at an industrial, institutional, commercial, governmental construction, and/or demolition site.
- 203 CARRY-OUT/TRACKOUT** - Any and all bulk materials that adhere to and agglomerate on the exterior surfaces of motor vehicles, haul trucks, and/or equipment (including tires) and that have fallen onto a paved public roadway.

- 204 CONTROL MEASURE** - A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust. Control measures include but are not limited to:
- 204.1** Curbing.
 - 204.2** Paving.
 - 204.3** Pre-wetting.
 - 204.4** Applying dust suppressants.
 - 204.5** Physically stabilizing with vegetation, gravel, recrushed/recycled asphalt or other forms of physical stabilization.
 - 204.6** Limiting, restricting, phasing and/or rerouting motor vehicle access.
 - 204.7** Reducing vehicle speeds and/or number of vehicle trips.
 - 204.8** Limiting use of off-road vehicles on open areas and vacant lots.
 - 204.9** Utilizing work practices and/or structural provisions to prevent wind and water erosion onto paved public roadways.
 - 204.10** Appropriately using dust control implements.
 - 204.11** Installing one or more grizzlies, gravel pads, and/or wash down pads adjacent to the entrance of a paved public roadway to control carry-out and trackout.
 - 204.12** Keeping open-bodied haul trucks in good repair, so that spillage may not occur from beds, sidewalls, and tailgates.
 - 204.13** Covering the cargo beds of haul trucks to minimize wind-blown dust emissions and spillage.
- 205 DISTURBED SURFACE AREA** - A portion of the earth's surface (or material placed thereupon) which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust. For the purpose of this rule, an area is considered to be a disturbed surface area until the activity that caused the disturbance has been completed and the disturbed surface area meets the standards described in Section 301 and Section 302 of this rule.
- 206 DUST CONTROL IMPLEMENT** - A tool, machine, equipment, accessory, structure, enclosure, cover, material or supply, including an adequate readily available supply of water and its associated distribution/delivery system, used to control fugitive dust emissions.

- 207 DUST CONTROL PLAN** - A written plan describing all control measures.
- 208 DUST GENERATING OPERATION** - Any activity capable of generating fugitive dust, including but not limited to, land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots. For the purpose of this rule, landscape maintenance and/or playing on a ballfield shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, nor any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.
- 209 DUST SUPPRESSANT** - Water, hygroscopic material, solution of water and chemical surfactant, foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited for ground surface application by the U.S. Environmental Protection Agency (EPA) or the Arizona Department of Environmental Quality (ADEQ) or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.
- 210 EARTHMOVING OPERATION** - The use of any equipment for an activity which may generate fugitive dust, such as but not limited to, cutting and filling, grading, leveling, excavating, trenching, loading or unloading of bulk materials, demolishing, blasting, drilling, adding to or removing bulk materials from open storage piles, back filling, soil mulching, landfill operations, or weed abatement by discing or blading.
- 211 FREEBOARD** - The vertical distance between the top edge of a cargo container area and the highest point at which the bulk material contacts the sides, front, and back of a cargo container area.
- 212 FUGITIVE DUST** - The particulate matter, which is not collected by a capture system, which is entrained in the ambient air, and which is caused from human and/or natural activities, such as but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of this rule, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from piledrivers, and does not include emissions from process and combustion sources that are subject to other rules in Regulation III (Control Of Air Contaminants) of these rules.
- 213 GRAVEL PAD** - A layer of washed gravel, rock, or crushed rock which is at least one inch or larger in diameter, maintained at the point of intersection of a paved public roadway and a work site entrance to dislodge mud, dirt, and/or debris from the tires of motor vehicles and/or haul trucks, prior to leaving the work site.
- 214 GRIZZLY** - A device (i.e., rails, pipes, or grates) used to dislodge mud, dirt, and/or debris from the tires and undercarriage of motor vehicles and/or haul trucks prior to leaving the work site.

- 215 HAUL TRUCK** - Any fully or partially open-bodied self-propelled vehicle including any non-motorized attachments, such as but not limited to, trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle used for transporting bulk materials.
- 216 INTERMITTENT SOURCE** - A fugitive dust generating operation and/or activity that lasts for a duration of less than six consecutive minutes.
- 217 MOTOR VEHICLE** - A self-propelled vehicle for use on the public roads and highways of the State of Arizona and required to be registered under the Arizona State Uniform Motor Vehicle Act, including any non-motorized attachments, such as but not limited to, trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.
- 218 NORMAL FARM CULTURAL PRACTICE** - All activities by the owner, lessee, agent, independent contractor, and/or supplier conducted on any facility for the production of crops and/or nursery plants. Disturbances of the field surface caused by turning under stalks, tilling, leveling, planting, fertilizing, or harvesting are included in this definition.
- 219 OFF-ROAD VEHICLE** - Any self-propelled conveyance specifically designed for off-road use, including but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motorbuggies.
- 220 OPEN AREAS AND VACANT LOTS** - Any of the following described in subsection 220.1 through subsection 220.4 of this rule. For the purpose of this rule, vacant portions of residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one vacant open area or vacant lot.
- 220.1** An unsubdivided or undeveloped tract of land adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area.
- 220.2** A subdivided residential, industrial, institutional, governmental, or commercial lot, which contains no approved or permitted buildings or structures of a temporary or permanent nature.
- 220.3** A partially developed residential, industrial, institutional, governmental, or commercial lot.
- 220.4** A tract of land, in the nonattainment area, adjoining agricultural property.
- 221 OWNER AND/OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises a dust generating operation subject to the requirements of this rule.

- 222 PAVE** - To apply and maintain asphalt, concrete, or other similar material to a roadway surface (i.e., asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt).
- 223 PUBLIC ROADWAYS** - Any roadways that are open to public travel.
- 224 ROUTINE** - Any dust generating operation which occurs more than 4 times per year or lasts 30 cumulative days or more per year.
- 225 SILT** - Any aggregate material with a particle size less than 75 micrometers in diameter, which passes through a No. 200 Sieve.
- 226 TRACKOUT CONTROL DEVICE** - A gravel pad, grizzly, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a paved roadway, that controls or prevents vehicular trackout.
- 227 UNPAVED HAUL/ACCESS ROAD** - Any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic.
- 228 UNPAVED PARKING LOT** - Any area larger than 5,000 square feet that is not paved and that is used for parking, maneuvering, or storing motor vehicles.
- 229 UNPAVED ROAD** - Any road or equipment path that is not paved. For the purpose of this rule, an unpaved road is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.
- 230 URBAN OR SUBURBAN OPEN AREA** – The definition of urban open area is included in Section 220 (Definition Of Open Areas And Vacant Lots) of this rule.
- 231 VACANT LOT** – The definition of vacant lot is included in Section 220 (Definition Of Open Areas And Vacant Lots) of this rule.
- 232 VACANT PARCEL** – The definition of vacant parcel is included in Section 220 (Definition Of Open Areas And Vacant Lots) of this rule.
- 233 WIND-BLOWN DUST** - Visible emissions from any disturbed surface area, which are generated by wind action alone.
- 234 WIND EVENT** - When the 60-minute average wind speed is greater than 25 miles per hour.
- 235 WORK SITE** - Any property upon which any dust generating operations and/or earthmoving operations occur.

SECTION 300 - STANDARDS

301 OPACITY LIMITATION FOR FUGITIVE DUST SOURCES: The owner and/or operator of a source engaging in dust generating operations shall not allow visible fugitive dust emissions to exceed 20% opacity.

301.1 Wind Event: Exceedances of the opacity limit that occur due to a wind event shall constitute a violation of the opacity limit. However, it shall be an affirmative defense in an enforcement action if the owner and/or operator demonstrates all of the following conditions:

- a. All control measures required were followed and 1 or more of the control measures in Table 2 were applied and maintained;
- b. The 20% opacity exceedance could not have been prevented by better application, implementation, operation, or maintenance of control measures;
- c. The owner and/or operator compiled and retained records, in accordance with Section 502 (Recordkeeping) of this rule; and
- d. The occurrence of a wind event on the day(s) in question is documented by records. The occurrence of a wind event must be determined by the nearest Maricopa County Environmental Services Department Air Quality Division monitoring station, from any other certified meteorological station, or by a wind instrument that is calibrated according to manufacturer's standards and that is located at the site being checked.

301.2 Emergency Maintenance Of Flood Control Channels and Water Retention Basins: No opacity limitation shall apply to emergency maintenance of flood control channels and water retention basins, provided that control measures are implemented.

301.3 Vehicle Test And Development Facilities And Operations: No opacity limitation shall apply to vehicle test and development facilities and operations when dust is required to test and validate design integrity, product quality, and/or commercial acceptance, if such testing is not feasible within enclosed facilities.

302 STABILIZATION REQUIREMENTS FOR FUGITIVE DUST SOURCES:

302.1 Unpaved Parking Lot: The owner and/or operator of any unpaved parking lot shall not allow visible fugitive dust emissions to exceed 20% opacity, and either:

- a. Shall not allow silt loading equal to or greater than 0.33 oz/ft²; or
- b. Shall not allow the silt content to exceed 8%.

302.2 Unpaved Haul/Access Road: The owner and/or operator of any unpaved haul/access road (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive): *

- a. Shall not allow visible fugitive dust emissions to exceed 20% opacity, and either:
 - (1) Shall not allow silt loading equal to or greater than 0.33 oz/ft²; or
 - (2) Shall not allow the silt content to exceed 6%.
- b. Shall, as an alternative to meeting the stabilization requirements for an unpaved haul/access road, limit vehicle trips to no more than 20 per day and limit vehicle speeds to no more than 15 miles per hour. If complying with subsection 302.2(b) of this rule, must include, in a Dust Control Plan, the number of vehicles traveled on the unpaved haul/access roads (i.e., number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).

302.3 Open Area And Vacant Lot Or Disturbed Surface Area: The owner and/or operator of an open area and vacant lot or any disturbed surface area on which no activity is occurring (whether at a work site that is under construction, at a work site that is temporarily or permanently inactive) shall meet at least 1 of the standards described in subsection 302.3(a) through subsection 302.3(g) below, as applicable. The owner and/or operator of such inactive disturbed surface area shall be considered in violation of this rule if such inactive disturbed surface area is not maintained in a manner that meets at least 1 of the standards described in subsection 302.3(a) through subsection 302.3(g) below, as applicable.

- a. Maintain a visible crust; or
- b. Maintain a threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 cm/second or higher; or
- c. Maintain a flat vegetative cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50%; or
- d. Maintain a standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%; or
- e. Maintain a standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 10% and where the threshold friction

velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements; or

- f. Maintain a percent cover that is equal to or greater than 10% for non-erodible elements; or
- g. Comply with a standard of an alternative test method, upon obtaining the written approval from the Control Officer and the Administrator of the Environmental Protection Agency (ERA).

302.4 Vehicle Test And Development Facilities And Operations: No stabilization requirement shall apply to vehicle test and development facilities and operations when dust is required to test and validate design integrity, product quality, and/or commercial acceptance, if such testing is not feasible within enclosed facilities.

303 DUST CONTROL PLAN REQUIRED: The owner and/or operator of a source shall submit to the Control Officer a Dust Control Plan with any permit applications that involve earthmoving operations which would equal or exceed 0.10 acre. Compliance with this section does not effect a source's responsibility to comply with the other standards of this rule. The Dust Control Plan shall describe all control measures to be implemented before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.

303.1 A Dust Control Plan shall, at a minimum, contain all the information described in Section 304 of this rule. The Control Officer shall approve, disapprove, or conditionally approve the Dust Control Plan, in accordance with the criteria used to approve, disapprove or conditionally approve a permit. Failure to comply with the provisions of an approved Dust Control Plan is deemed to be a violation of this rule. Regardless of whether an approved Dust Control Plan is in place or not, the owner and/or operator of a source is still subject to all requirements of this rule at all times. In addition, the owner and/or operator of a source with an approved Dust Control Plan is still subject to all of the requirements of this rule, even if such owner and/or operator is complying with the approved Dust Control Plan.

303.2 At least one primary control measure and one contingency control measure must be identified in the Dust Control Plan for all fugitive dust sources. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s), which may obviate the requirement of submitting a revised Dust Control Plan.

303.3 The following subsections, subsection 303.3(a) and subsection 303.3(b) of this rule, describe the permit applications with which a Dust Control Plan must be submitted.

- a. If a person is required to obtain an Earthmoving Permit under Regulation II (Permits And Fees) of these rules, then such person must first submit a Dust Control Plan and obtain the Control Officer's approval of the Dust Control Plan before commencing any dust generating operation.
- b. If a person is required to obtain or has obtained a Title V Permit, a Non-Title V, or a General Permit under Regulation II (Permits And Fees) of these rules, then such person must first submit a Dust Control Plan and obtain the Control Officer's approval of the Dust Control Plan before commencing any routine dust generating operation.

303.4 A Dust Control Plan shall not be required:

- a. To play on a ballfield and/or for landscape maintenance. For the purpose of this rule, landscape maintenance does not include grading, trenching, nor any other mechanized surface disturbing activities.
- b. To establish initial landscapes or to redesign existing landscapes of legally-designated public parks and recreational areas, including parks, national monuments, national forests, state parks, city parks, and county regional parks, hiking paths, horse trails, bicycle paths, ballfields, playgrounds at camp sites, and camp sites, which are used exclusively for purposes other than travel by vehicles. For the purpose of this rule, establishing initial or redesigning existing landscapes does not include grading, trenching, nor any other mechanized surface disturbing activities.

304 ELEMENTS OF A DUST CONTROL PLAN: A Dust Control Plan shall contain, at a minimum, all of the following information:

304.1 Names, address(es), and phone numbers of person(s) responsible for the submittal and implementation of the Dust Control Plan and responsible for the dust generating operation.

304.2 A drawing, on at least 8½" x 11" paper, which shows:

- a. Entire project site boundaries;
- b. Acres to be disturbed with linear dimensions;
- c. Nearest public roads;
- d. North arrow; and
- e. Planned exit locations onto paved public roadways.

304.3 Control measures or combination thereof to be applied to all actual and potential fugitive dust sources, before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays.

- a. At least one primary control measure and one contingency control measure must be identified, from Table 1 of this rule, for all fugitive dust sources. Should any primary control measure(s) prove ineffective, the owner and/or operator shall immediately implement the contingency control measure(s), which may obviate the requirement of submitting a revised Dust Control Plan.
- b. Alternatively, a control measure(s) that is not in Table 1 of this rule may be chosen, provided that such control measure(s) is implemented to comply with the standard(s) described in Section 301 and Section 302 of this rule, as determined by the corresponding test method(s), as applicable, and must meet other applicable standard(s) set forth in this rule.
- c. If complying with subsection 302.2(b) (Stabilization Requirements For Fugitive Dust Sources-Unpaved Haul/Access Roads) of this rule, must include the number of vehicles traveled on the unpaved haul/access roads (i.e., number of employee vehicles, earthmoving equipment, haul trucks, and water trucks).

304.4 Dust suppressants to be applied, including product specifications or label instructions for approved usage:

- a. Method, frequency, and intensity of application.
- b. Type, number, and capacity of application equipment.
- c. Information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application.

304.5 Specific surface treatment(s) and/or control measures utilized to control material trackout and sedimentation where unpaved and/or access points join paved public roadways.

305 DUST CONTROL PLAN REVISIONS: If the Control Officer determines that an approved Dust Control Plan has been followed, yet fugitive dust emissions from any given fugitive dust source still exceed Section 301 and Section 302 of this rule, then the Control Officer shall issue a written notice to the owner and/or operator of such source explaining such determination. The owner and/or operator of such source shall make written revisions to the Dust Control Plan and shall submit such revised Dust Control Plan to the Control Officer within three working days of receipt of the Control Officer's written notice, unless such time period is extended by the Control Officer, upon request, for good cause. During the time that such owner and/or operator is preparing revisions to the approved

Dust Control Plan, such owner and/or operator must still comply with all requirements of this rule.

306 CONTROL MEASURES: The owner and/or operator of a source shall implement control measures before, after, and while conducting any dust generating operation, including during weekends, after work hours, and on holidays. See subsection 304.3, Table 1, and Table 2 of this rule. For the purpose of this rule, any control measure that is implemented must meet the applicable standard(s) described in Section 301 and in Section 302 of this rule, as determined by the corresponding test method(s), as applicable, and must meet other applicable standard(s) set forth in this rule. Failure to comply with the provisions of Section 308 (Work Practices) of this rule, as applicable, and/or of an approved Dust Control Plan, is deemed a violation of this rule. Regardless of whether an approved Dust Control Plan is in place or not, the owner and/or operator of a dust generating operation is still subject to all requirements of this rule at all times. In addition, the owner and/or operator of a dust generating operation with an approved Dust Control Plan is still subject to all of the requirements of this rule, even if such owner and/or operator of a dust generating operation is complying with the approved Dust Control Plan.

307 PROJECT INFORMATION SIGN: The owner and/or operator of a source shall erect a project information sign at the main entrance, that is visible to the public, of all sites with an Earthmoving Permit that are five acres or larger. Such sign shall be a minimum of four feet long by four feet wide, have a white background, have black block lettering which is at least four inches high, and shall contain the following information:

307.1 Project name; and project; and

307.3 Text stating: "Complaints? Call Maricopa County Environmental Services Department (insert the current/accurate phone number for the complaint phone line)."

308 WORK PRACTICES: When engaged in the following specific activities, the owner and/or operator of a source shall comply with the following work practices in addition to implementing, as applicable, the control measures described in Table 1 of this rule. Such work practices shall be implemented to meet the standards described in Section 301 and Section 302 of this rule.

308.1 Bulk Material Hauling Off-Site Onto Paved Public Roadways:

- a. Load all haul trucks such that the freeboard is not less than three inches; and
- b. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and

- c. Cover all haul trucks with a tarp or other suitable closure; and
- d. Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment.

308.2 Bulk Material Hauling On-Site Within The Boundaries Of The Work Site: When crossing a public roadway upon which the public is allowed to travel while construction is underway:

- a. Load all haul trucks such that the freeboard is not less than three inches; and
- b. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and
- c. Install a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site. Examples of trackout control devices are described in Table 1 (Trackout-U, 2J, 3J) of this rule.

308.3 Spillage, Carry-Out, Erosion, And/Or Trackout:

- a. Install a suitable trackout control device (Examples of trackout control devices are described in Table 1 (Trackout-U, 2J, 3J) of this rule) that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site at all exits onto a paved public roadway:
 - (1) From all work sites with a disturbed surface area of five acres or larger.
 - (2) From all work sites where 100 cubic yards of bulk materials are hauled on-site and/or off-site per day.
- b. Cleanup spillage, carry-out, erosion, and/or trackout on the following time-schedule:
 - (1) Immediately, when spillage, carry-out, and/or trackout extends a cumulative distance of 50 linear feet or more; or
 - (2) At the end of the work day, when spillage, carry-out, erosion, and/or trackout are other than the spillage, carry-out, erosion, and/or trackout described above, in subsection 308.3(b)(1) of this rule.

308.4 Unpaved Haul/Access Roads: Implement 1 or more control measure(s) described in Table 1 (Unpaved Haul/Access Roads-1 C through 5C) of this rule, before engaging in the use of or in the maintenance of unpaved haul/access roads.

308.5 Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission) Associated With Sources That Have A Non-Title V Permit, A Title Permit, And/Or A General Permit Under These Rules:

- a. Inside the PM₁₀ nonattainment area, restrict vehicular speeds to 15 miles per hour and vehicular trips to no more than 20 per day; or
- b. Outside the PM₁₀ nonattainment area, restrict vehicular trips to no more than 20 per day; or
- c. Implement control measures, as described in Table 1 (Unpaved Haul/Access Roads-1 C through 5C) of this rule.

308.6 Open Storage Piles: For the purpose of this rule, an open storage pile is any accumulation of bulk material with a 5% or greater silt content which in any one point attains a height of three feet and covers a total surface area of 150 square feet or more. Silt content shall be assumed to be 5% or greater unless a person can show, by testing in accordance with ASTM Method C136-96A or other equivalent method approved in writing by the Control Officer and the Administrator of EPA, that the silt content is less than 5%.

- a. During stacking, loading, and unloading operations, apply water, as necessary, to maintain compliance with Section 301 of this rule; and
- b. When not conducting stacking, loading, and unloading operations, comply with one of the following work practices:
 - (1) Cover open storage piles with tarps, plastic, or other material to prevent wind from removing the coverings; or
 - (2) Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, or other equivalent as approved by the Control Officer and the Administrator of EPA. For areas which have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method 01557-91(1998) or other equivalent approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; or

- (3) Meet one of the stabilization requirements described in subsection 302.3 of this rule; or
- (4) Construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%. If implementing this subsection, subsection 308.6(b)(4), must also implement either subsection 308.6(b)(2) or subsection 308.6(b)(3) above.

308.7 Earthmoving Operations On Disturbed Surface Areas 1 Acre Or Larger: If water is the chosen control measure, operate water application system (e.g., water truck) while conducting earthmoving operations on disturbed surface areas 1 acre or larger.

308.8 Weed Abatement By Discing Or Blading:

- a. Apply water before weed abatement by discing or blading occurs; and
- b. Apply water while weed abatement by discing or blading is occurring; and
- c. Pave, apply gravel, apply water, or apply a suitable dust suppressant, in compliance with subsection 302.3 of this rule, after weed abatement by discing or blading occurs; or
- d. Establish vegetative ground cover in sufficient quantity, in compliance with subsection 302.3 of this rule, after weed abatement by discing or blading occurs.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

401 DUST CONTROL PLAN POSTING: The owner and/or operator of a source shall post a copy of the approved Dust Control Plan in a conspicuous location at the work site, within on-site equipment, or in an on-site vehicle, or shall otherwise keep a copy of the approved Dust Control Plan available on-site at all times. The owner and/or operator of a source that has been issued a Block Permit shall not be required to keep a copy of the plot plan, an element of a Dust Control Plan, on-site.

402 COMPLIANCE SCHEDULE: The requirements of this rule supercede any conflicting requirements that may be found in existing Dust Control Plans.

402.1 For Earthmoving Permits: If any changes to a Dust Control Plan, associated with an Earthmoving Permit, are necessary as a result of the

most recent revisions of this rule, such changes shall not be required until the Earthmoving Permit is required to be renewed.

402.2 For Non-Title V Permits And For Title V Permits: If any changes to a Control Plan, associated with a Non-Title V Permit or with a Title V Permit, are necessary as a result of the most recent revisions of this rule, then the owner and/or operator shall submit a revised Dust Control Plan to the Control Officer, according to the minor permit revision procedures described in Rule 220 and Rule 210 of these rules respectively, no later than 6 months after the effective date of the most recent revisions to this rule.

SECTION 500 - MONITORING AND RECORDS

501 COMPLIANCE DETERMINATION: To determine compliance with this rule, the following test methods shall be conducted:

501.1 Opacity Observations:

- a. **Dust Generating Operations:** Opacity observations of a source in dust generating operations shall be conducted in accordance with Appendix C, Section 3 (Visual Determination Of Opacity Of Emissions From Sources For Time-Averaged Regulations) of these rules, except opacity observations for intermittent sources shall require 12 rather than 24 consecutive readings at 15-second intervals for the averaging time.
- b. **Unpaved Parking Lot:** Opacity observations of any unpaved parking lot shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots) of these rules.
- c. **Unpaved Haul/Access Road:** Opacity observations of any unpaved haul/access road (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots) of these rules.

501.2 Stabilization Observations:

- a. **Unpaved Parking Lot:** Stabilization observations for unpaved parking lots shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots) of these rules. When more than 1 test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods constitutes a violation of this rule.

- b. Unpaved Haul/Access Road: Stabilization observations for unpaved haul/access roads (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall be conducted in accordance with Appendix C, Section 2.1 (Test Methods For Stabilization-For Unpaved Roads And Unpaved Parking Lots) of these rule. When more than 1 test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods constitutes a violation of this rule.
- c. **Open Area And Vacant Lot Or Disturbed Surface Area:** Stabilization observations for an open area and vacant lot or any disturbed surface area on which no activity is occurring (whether at a work site that is under construction, at a work site that is temporarily or permanently inactive) shall be conducted in accordance with at least one of the techniques described in subsection 501.2(c)(1) through subsection 501.2(c)(7) below, as applicable. The owner and/or operator of such inactive disturbed surface area shall be considered in violation of this rule if such inactive disturbed surface area is not maintained in a manner that meets at least 1 of the standards described in subsection 302.3 of this rule, as applicable.
 - (1) Appendix C, Section 2.3 (Test Methods For Stabilization-Visible Crust Determination) (The Drop Ball/Steel Ball Test) of these rules for a visible crust; or
 - (2) Appendix C, Section 2.4 (Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV)) (Sieving Field Procedure) of these rules for threshold friction velocity (TFV) corrected for non-erodible elements of 100 cm/second or higher; or
 - (3) Appendix C, Section 2.5 (Test Methods For Stabilization-Determination Of Flat Vegetative Cover) of these rules for flat vegetation cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50%; or
 - (4) Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules for standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%; or
 - (5) Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules for standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation)

that is equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements; or

- (6) Appendix C, Section 2.7 (Test Methods For Stabilization-Rock Test Method) of these rules for a percent cover that is equal to or greater than 10%, for non-erodible elements; or
- (7) An alternative test method approved in writing by the Control Officer and the Administrator of the EPA.

502 RECORDKEEPING: Any person who conducts dust generating operations that require a Dust Control Plan shall keep a daily written log recording the actual application or implementation of the control measures delineated in the approved Dust Control Plan. Any person who conducts dust generating operations which do not require a Dust Control Plan shall compile and retain records that provide evidence of control measure application, by indicating the type of treatment or control measure, extent of coverage, and date applied. Upon verbal or written request by the Control Officer, the log or the records and supporting documentation shall be provided within 48 hours, excluding weekends. If the Control Officer is at the site where requested records are kept, records shall be provided without delay.

503 RECORDS RETENTION: Copies of approved Dust Control Plans, control measures implementation records, and all supporting documentation shall be retained for at least six months following the termination of the dust generating operation. Copies of approved Dust Control Plans, control measures implementation records, and all supporting documentation shall be retained for at least 1 year from the date such records were initiated. If a person has obtained a Title V Permit and is subject to the requirements of this rule, then such person shall retain records required by this rule for at least 5 years from the date such records are established.

504 TEST METHODS ADOPTED BY REFERENCE: The test methods listed in this section are adopted by reference. These adoptions by reference include no future editions or amendments. Copies of the test methods listed in this section are available for review at the Maricopa County Environmental Services Department, 1001 North Central Avenue, Phoenix. AZ, 85004-1942.

504.1 ASTM Method C136-96A ("Standard Test Method For Sieve Analysis Of Fine And Coarse Aggregates"), 1996 edition.

504.2 ASTM Method D2216-98 ("Standard Test Method For Laboratory Determination Of Water (Moisture) Content Of Soil And Rock By Mass"), 1998 edition.

504.3 ASTM Method 1557-91(1998) (Test Method For Laboratory Compaction Characteristics Of Soil Using Modified Effort (56,000 ft-lbf/ft³ (2,700 kN-m/m³)), 1998 edition.

TABLE 1

SOURCE TYPE AND CONTROL MEASURES	
Vehicle Use In Open Areas And Vacant Lots:	
1A	Restrict trespass by installing signs.
2A	Install physical barriers such as curbs, fences, gates, posts, signs, shrubs, and/or trees to prevent access to the area.
Unpaved Parking Lots:	
1B	Pave.
2B	Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with subsection 302.1 of this rule.
3B	Apply a suitable dust suppressant, in compliance with subsection 302.1 of this rule.
Unpaved Haul/Access Roads: (The control measures listed below (1C-5C) are required work practices, per subsection 308.4 of this rule.)	
1C	Limit vehicle speed to 15 miles per hour or less and limit vehicular trips to no more than 20 per day.
2C	Apply water, so that the surface is visibly moist and subsection 302.2 of this rule is met.
3C	Pave.
4C	Apply and maintain gravel, recycled asphalt, or other suitable material, in compliance with subsection 302.2 of this rule.
5C	Apply a suitable dust suppressant, in compliance with subsection 302.2 of this rule.
Disturbed Surface Areas:	
Pre-Activity:	
1D	Pre-water site to the depth of cuts.
2D	Phase work to reduce the amount of disturbed surface areas at any one time.
During Dust Generating Operations:	
3D	Apply water or other suitable dust suppressant, in compliance with Section 301 of this rule.
4D	Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent as approved by the Control Officer and the Administrator of EPA. For areas which have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method 01557-91(1998) or other equivalent approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content.
5D	Construct fences or 3 foot - 5 foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas that reduce the amount of wind blown material leaving a site. If constructing fences or wind barriers, must also implement 3D or 4D above.
Temporary Stabilization During Weekends, After Work Hours, And On Holidays:	
6D	Apply a suitable dust suppressant, in compliance with subsection 302.3 of this rule.
7D	Establish vegetative ground cover in sufficient quantity, in compliance with subsection 302.3 of this rule.
8D	Restrict vehicular access to the area, in addition to either of the control measures described in 6D and 7D above.

Permanent Stabilization (Required Within 8 Months Of Ceasing Dust Generating Operations):

- 9D Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions, in compliance with subsection 302.3 of this rule.
- 10D Pave, apply gravel, or apply a suitable dust suppressant, in compliance with subsection 302.3 of this rule.
- 11D Establish vegetative ground cover in sufficient quantity, in compliance with subsection 302.3 of this rule.

Open Areas And Vacant Lots:

- 1E Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions.
- 2E Pave, apply gravel, or apply a suitable dust suppressant, in compliance with subsection 302.3 of this rule.
- 3E Establish vegetative ground cover in sufficient quantity, in compliance with subsection 302.3 of this rule.

Control measures 1F - 1M below are required work practices and/or methods designed to meet the work practices, per Section 308 (Work Practices) of this rule.

Bulk Material Handling Operations And Open Storage Piles:

During Stacking, Loading, And Unloading Operations:

- 1F Apply water as necessary, to maintain compliance with Section 301 of this rule; and

When Not Conducting Stacking, Loading, And Unloading Operations:

- 2F Cover open storage piles with tarps, plastic, or other material to prevent wind from removing the coverings; or
- 3F Apply water to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98, or other equivalent as approved by the Control Officer and the Administrator of EPA. For areas which have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method 01557-91(1998) or other equivalent approved by the Control Officer and the Administrator of EPA, maintain at least 70% of the optimum soil moisture content; or
- 4F Meet the stabilization requirements described in subsection 302.3 of this rule; or
- 5F Construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%. If implementing 5F, must also implement 3F or 4F above.

Bulk Material Hauling/Transporting:

When On-Site Hauling/Transporting Within The Boundaries Of The Work Site When Crossing A Public Roadway Upon Which The Public Is Allowed To Travel While Construction Is Underway:

- 1G Load all haul trucks such that the freeboard is not less than 3 inches when crossing a public roadway upon which the public is allowed to travel while construction is underway; and

- 2G Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and
- 3G Install a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site. Examples of trackout control devices are described in Table 1 (Trackout 1J, 2J, 3J) of this rule; and

When On-Site Hauling/Transporting Within The Boundaries Of The Work Site But Not Crossing A Public Roadway Upon Which The Public Is Allowed To Travel While Construction Is Underway:

- 4G Limit vehicular speeds to 15 miles per hour or less while traveling on the work site; or
- 5G Apply water to the top of the load such that the 20% opacity standard, as described in Section 301 of this rule, is not exceeded, or cover haul trucks with a tarp or other suitable closure.

Off-Site Hauling/Transporting Onto Paved Public Roadways:

- 6G Cover haul trucks with a tarp or other suitable closure; and
- 7G Load all haul trucks such that the freeboard is not less than 3 inches; and
- 8G Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and
- 9G Before the empty haul truck leaves the site, clean the interior of the cargo compartment or cover the cargo compartment.

Cleanup Of Spillage, Carry Out, Erosion, And/Or Trackout:

- 1H Operate a street sweeper or wet broom with sufficient water, if applicable, at the speed recommended by the manufacturer and at the frequency(ies) described in subsection 308.3 of this rule; or
- 2H Manually sweep-up deposits

Trackout:

- 1J Install a grizzly or wheel wash system at all access points.
- 2J At all access points, install a gravel pad at least 30 feet wide, 50 feet long, and 6 inches deep.
- 3J Pave starting from the point of intersection with a paved public roadway and extending for a centerline distance of at least 100 feet and a width of at least 20 feet.

Weed Abatement By Discing Or Blading:

- 1K Pre-water site and implement 3K or 4K below.
- 2K Apply water while weed abatement by discing or blading is occurring and implement 3K or 4K below.
- 3K Pave, apply gravel, apply water, or apply a suitable dust suppressant, in compliance with subsection 302.3 of this rule, after weed abatement by discing or blading occurs; or
- 4K Establish vegetative ground cover in sufficient quantity, in compliance with subsection 302.3 of this rule, after weed abatement by discing or blading occurs.

Easements, Rights-Of-Way, And Access Roads For Utilities (Electricity, Natural Gas, Oil, Water, And Gas Transmission) Associated With Sources That Have A Non-Title V Permit, A Title V Permit, And/Or A General Permit Under These Rules:

- | | |
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| 1L | Inside the PM™ nonattainment area, restrict vehicular speeds to 15 miles per hour and vehicular trips to no more than 20 per day; or |
| 2L | Outside the PM™ nonattainment area, restrict vehicular trips to no more than 20 per day; or |
| 3L | Implement control measures, as described in Table 1 (Unpaved Haul/Access Roads-1 C through 5C) of this rule. |

Earthmoving Operations On Disturbed Surface Areas 1 Acre Or Larger:
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| 1M | If water is the chosen control measure, operate water application system (e.g., water truck), while conducting earthmoving operations on disturbed surface areas 1 acre or larger. |
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TABLE 2

Note: Control measures in [brackets] are to be applied only to sources outside the nonattainment area.

SOURCE TYPE AND WIND EVENT CONTROL MEASURES	
Dust Generating Operations:	
1A	Cease dust generating operations for the duration of the condition/situation/event when the 60-minute average wind speed is greater than 25 miles per hour. If dust generating operations are ceased for the remainder of the work day, stabilization measures must be implemented; or
2A	Apply water or other suitable dust suppressant twice [once] per hour, in compliance with Section 301 of this rule; or
3A	Apply water as necessary to maintain a soil moisture content at a minimum of 12%, as determined by ASTM Method D2216-98 or other equivalent as approved by the Control Officer and the Administrator of ERA. For areas which have an optimum moisture content for compaction of less than 12%, as determined by ASTM Method 01557-91(1998) or other equivalent approved by the Control Officer and the Administrator of ERA, maintain at least 70% of the optimum soil moisture content; or
4A	Construct fences or 3 foot - 5 foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas that reduce the amount of wind-blown material leaving a site. If implementing 4A, must also implement 2A or 3A above.
Temporary Disturbed Surface Areas (After Work Hours, Weekends, Holidays):	
1B	Uniformly apply and maintain surface gravel or dust suppressants, in compliance with subsection 302.3 of this rule; or
2B	Apply water to all disturbed surface areas three times per day. If there is any evidence of wind-blown dust, increase watering frequency to a minimum of four times per day; or
3B	Apply water on open storage piles twice [once] per hour, in compliance with subsection 302.3 of this rule; or
4B	Cover open storage piles with tarps, plastic, or other material to prevent wind from removing the coverings; or
5B	Utilize any combination of the control measures described in 1B, 2B, 3B, and 4B above, such that, in total, these control measures apply to all disturbed surface areas.

Revised 07/13/88
Revised 04/06/92
Revised 11/20/96
Revised 05/14/97
Revised 04/07/99
Revised 03/01/00

**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION III - CONTROL OF AIR CONTAMINANTS

**RULE 360
NEW SOURCE PERFORMANCE STANDARDS**

SECTION 100 - GENERAL

- 101 PURPOSE:** To establish acceptable design and performance criteria for specified new or modified emission sources.
- 102 APPLICABILITY:** The provisions of this rule apply to the owner or operator of any stationary source which contains an affected facility on which the construction, reconstruction, or a modification is commenced after the date of publication of any standard applicable to such facility in the 40 CFR 60. Any such stationary source must also comply with other Maricopa County Air Pollution Control Regulations.
- 103 AVAILABILITY OF INFORMATION:** Copies of all 40 CFR, Part 60 revisions currently enforced by Maricopa County are available at 1001 N. Central Avenue, Phoenix, Arizona, 85004, or call (602) 506-6700 for information.
- 104 FEDERAL DELEGATION AUTHORITY:** Maricopa County shall enforce the following enumerated Federal Regulations (Part 60, Title 40 of the Code of Federal Regulations) which have heretofore been delegated to the County by the United States Environmental Protection Agency (EPA) for such enforcement. Maricopa County may in addition enforce such other Federal Regulations (Part 60, Title 40 of the Code of Federal Regulations) delegated to the County for such enforcement from time to time by EPA and which will be enumerated in any revision hereof.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:

- 201 ADMINISTRATOR** - As used in Part 60, Title 40, Code of Federal Regulations, shall mean the Control Officer, except that the Control Officer shall not be empowered to approve alternate or equivalent test methods or alternative standards/work practices.
- 202 AFFECTED FACILITY** - With reference to a stationary source, any apparatus to which a standard is applicable.

- 203 COMMENCED** - With respect to the definition of "new source" in Section 111 (a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction, reconstruction, or modification or that an owner or operator has entered into a contracted obligation to undertake and complete, within a reasonable time, a continuous program of construction, reconstruction or modification.
- 204 CONSTRUCTION** - The fabrication, erection, or installation of an affected facility.
- 205 MODIFICATION** - Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any contaminant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air contaminant (to which a standard applies) into the atmosphere not previously emitted.
- 206 OWNER OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.
- 207 STANDARD** - A standard of performance promulgated under this rule.
- 208 STATIONARY SOURCE** - Any building, structure, facility, or installation which emits or may emit any air pollutant.

SECTION 300 - STANDARDS

- 301 ADOPTED FEDERAL STANDARDS:** The federal standards of performance for those subparts of 40 CFR 60 adopted as of July 1, 1998, or the specific date provided below, as listed below, and all accompanying appendices are adopted by reference as indicated. This adoption by reference includes no future editions or amendments.

SUBPART A - General Provisions; exclude 60.4, 60.5, and 60.6, and any sections dealing with equivalency determinations or innovative technology waivers, as covered in Sections 111 (h)(3) and 111(j) respectively of the Clean Air Act

SUBPART D - Standards Of Performance For Fossil Fuel Fired Steam Generators For Which Construction Is Commenced After August 17,1971.

SUBPART Da - Standards Of Performance For Electric Utility Steam Generating Units For Which Construction Is Commenced After September 18,1978; exclude 60.45a.

SUBPART Db - Standards Of Performance For Industrial-Commercial-Institutional Steam Generating Units; exclude 60.44b(f), 60.44b(g), and 60.49b(a)(4).

SUBPART Dc - Standards Of Performance For Small Industrial-Commercial-Institutional Steam Generating Units.

SUBPART E - Standards Of Performance For Incinerators.

SUBPART Ea • Standards Of Performance For Municipal Waste Combustors For Which Construction Is Commenced After December 20, 1989 And On Or Before September 20, 1994.

SUBPART Eb - Standards Of Performance For Municipal Waste Combustors For Which Construction Is Commenced After September 20, 1994.

SUBPART Ec - Standards Of Performance For Hospital/Medical/Infectious Waste Incinerators For Which Construction Is Commenced After June 20, 1996 Or For Which Modification Commenced After March 16, 1998.

SUBPART F - Standards Of Performance For Portland Cement Plants.

SUBPART G - Standards Of Performance For Nitric Acid Plants. SUBPART

H - Standards Of Performance For Sulfuric Acid Plants. SUBPART I -

Standards Of Performance For Asphaltic Concrete Plants. SUBPART J -

Standards Of Performance For Petroleum Refineries.

SUBPART K - Standards Of Performance For Storage Vessels Of Petroleum Liquids For Which Construction, Reconstruction Or Modification Commenced After June 11, 1973 And Prior To May 19, 1978.

SUBPART Ka - Standards Of Performance For Storage Vessels Of Petroleum Liquids For Which Construction, Reconstruction Or Modification Commenced After May 18, 1978 And Prior To July 23, 1984.

SUBPART Kb - Standards Of Performance For Volatile Organic Liquid Storage Vessels For Which Construction, Reconstruction Or Modification Commenced After July 23, 1984 (Including Petroleum Liquid Storage Vessels); exclude 60.11 1b(f) (4), 60.114b, 60.116b(e) (3)(iii), 60.116b(e) (3)(iv), and

SUBPART L - Standards Of Performance For Secondary Lead Smelters.

SUBPART M - Standards Of Performance For Secondary Brass And Bronze Production Plants.

SUBPART N - Standards Of Performance For Iron And Steel Plants: Primary Emissions From Basic Oxygen Process Furnaces For Which Construction Commenced After June 11, 1973.

SUBPART Na - Standards Of Performance For Iron And Steel Plants: Secondary Emissions From Basic Oxygen Process Furnaces For Which Construction Commenced After January 20, 1983.

SUBPART O - Standards Of Performance For Sewage Treatment Plants; exclude 60.153(e).

SUBPART P - Standards Of Performance For Primary Copper Smelters.

SUBPART R - Standards Of Performance For Primary Lead Smelters.

SUBPART S - Standards Of Performance For Primary Aluminum Reduction Plants; exclude 60.1 95(b).

SUBPART T - Standards Of Performance For Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

SUBPART U - Standards Of Performance For Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

SUBPART V- Standards Of Performance For Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

SUBPART W- Standards Of Performance For Phosphate Fertilizer Industry: Triple Superphosphate Plants.

SUBPART X - Standards Of Performance For Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

SUBPART Y - Standards Of Performance For Coal Preparation Plants. •

SUBPART Z - Standards Of Performance For Ferro-Alloy Production Facilities.

SUBPART AA - Standards Of Performance For Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 And On Or Before August 17, 1983.

SUBPART AAa - Standards Of Performance For Steel Plants: Electric Arc Furnaces And Argon Oxygen Decarburization Vessels Constructed After August 17,1983.

SUBPART BB - Standards Of Performance For Kraft Pulp Mills.

SUBPART CC - Standards Of Performance For Glass Manufacturing Plants.

SUBPART DD - Standards Of Performance For Grain Elevators.

SUBPART EE - Standards Of Performance For Surface Coating Of Metal Furniture.

SUBPART GG - Standard Of Performance For Stationary Gas Turbines; exclude 60.332(a)(3) and 60.335(a)(ii).

SUBPART HH - Standards Of Performance For Lime Manufacturing Plants.

SUBPART KK - Standards Of Performance For Lead-Acid Battery Manufacturing Plants.

SUBPART LL - Standards Of Performance For Metallic Mineral Processing Plants.

SUBPART MM - Standards Of Performance For Automobile And Light Duty Truck Surface Coating Operations.

SUBPART NN - Standards Of Performance For Phosphate Rock Plants.

SUBPART PP - Standards Of Performance For Ammonium Sulfate Manufacture.

SUBPART QQ - Standards Of Performance For Graphic Arts Industry: Publication Rotogravure Printing.

SUBPART RR - Standards Of Performance For Pressure Sensitive Tape And Label Surface Coating Operations.

SUBPART SS - Standards Of Performance For Industrial Surface Coating: Large Appliances.

SUBPART TT - Standards Of Performance For Metal Coil Surface Coating.

SUBPART UU - Standards Of Performance For Asphalt Processing And Asphalt Roofing Manufacture.

SUBPART W - Standards Of Performance For Equipment Leaks Of VOC In The Synthetic Organic Chemicals Manufacturing Industry; exclude 60.482-1(c)(2) and 60.484.

SUBPART WW - Standards Of Performance For Beverage Can Surface Coating Industry; exclude 60.495(a)(i) and 60.493(b)(2)(i)(A).

SUBPART XX - Standards Of Performance For Bulk Gasoline Terminals.

SUBPART AAA - Standards Of Performance For New Residential Wood Heaters; exclude 60.533, 60.534, 60.535, 60.536(i)(2), 60.537, 60.538(e) and 60.539.

SUBPART BBB - Standards Of Performance For Rubber Tire Manufacturing Plants; exclude 60.543(c)(2)(ii)(B).

SUBPART ODD - Standards Of Performance For Volatile Organic Compound (VOC) Emissions From The Polymer Manufacturing Industry; exclude 60.562- ft 2(c).

SUBPART FFF - Standards Of Performance For Flexible Vinyl And Urethane Coating And Printing.

SUBPART GGG - Standards Of Performance For Equipment Leaks Of VOC In Petroleum Refineries; exclude 60.592(c).

SUBPART HHH - Standards Of Performance For Synthetic Fiber Production Facilities.

SUBPART III - Standards Of Performance For Volatile Organic Compound Emissions From The Synthetic Organic Chemical Mai (SOCMI) Air Oxidation Unit Processes; exclude 60.613(e).

SUBPART JJJ - Standards Of Performance For Petroleum Dry Cleaners; exclude 60.623.

SUBPART KKK - Standards Of Performance For Equipment Leaks Of VOC From Onshore Natural Gas Processing Plants.

SUBPART LLL - Standards Of Performance For Onshore Natural Gas Processing: SO₂ Emissions.

SUBPART NNN - Standards Of Performance For Volatile Organic Compound Emissions From The Synthetic Organic Chemical Manufacturing Industry Distillation Operations; exclude 60.663(e).

SUBPART OOO - Standards Of Performance For Non-Metallic Mineral Processing Plants.

SUBPART PPP - Standards Of Performance For Wool Fiberglass Insulation Manufacturing Plants.

SUBPART QQQ - Standards Of Performance For VOC Emissions From Refinery Wastewater Systems; exclude 60.694.

SUBPART RRR – Standards Of Performance For Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes: ; exclude 60.703(e).

SUBPART SSS - Standards Of Performance For Magnetic Tape Coating Facilities; exclude 60.711(a)(16), 60.713(b)(1)(i), 60.713(b)(1)(ii), 60.713(b)(5)(i), 60.713(d), 60.715(a), and 60.716.

SUBPART TTT - Standards Of Performance For Industrial Surface Coating Plastic Parts For Business Machines; exclude 60.723(b)(1), 60.723(b)(2)(i)(C), 60.723(b)(2)(iv), 60.724(e), 60.725(b).

SUBPART UUU - Standards Of Performance For Calciners And Dryers In Mineral Industries.

SUBPART VVV - Standards Of Performance For Municipal Solid Waste Landfills. Incorporation includes amendments adopted as of August 17, 1998.